

Senate Bill No. 1556

CHAPTER 205

An act to add Chapter 10 (commencing with Section 10985) to Part 2 of Division 9 of the Welfare and Institutions Code, relating to public social services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 20, 1996. Filed with
Secretary of State July 22, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1556, Johnston. Reporting on incarcerated individuals.

Existing law provides for various human services programs, funded by a combination of federal, state, and local funds, some of which are administered at the state level by the State Department of Social Services.

This bill would require a city, county, or city and county operating a jail to report to the department, twice each month, the name, known aliases, birth date, social security number, and expected release date, if known, of any person who has been incarcerated for a period exceeding 30 days, but would limit this requirement to one report for each new period of incarceration and would authorize the Director of Social Services to suspend the requirement when other information sources ensure that public assistance payments are not paid to ineligible persons. It would require the department to report this information to state and federal government departments and to local agencies that administer public benefits for which incarceration affects eligibility.

By requiring local entities to report information to the department, the bill would create a state-mandated local program.

This bill would appropriate \$230,000 from the General Fund to the State Department of Social Services for the purpose of implementing the bill in the 1996-97 fiscal year, and would authorize the department to hire personnel and contract for services necessary for the implementation of the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions. In the alternative, a local agency would be permitted to receive from the department \$25 for each name reported to the department.

This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 10 (commencing with Section 10985) is added to Part 2 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 10. REPORTING ON INCARCERATED INDIVIDUALS

10985. (a) Each city, county, or city and county, that operates a jail, shall report twice each month to the department the name, known aliases, birth date, social security number, and expected released date, if known, of any person whose period of incarceration in jail has exceeded 30 days. The report shall not include names previously reported unless it is for a new period of incarceration.

(b) (1) The director may establish a uniform data format for the reporting of the data required to be reported in subdivision (a).

(2) The director shall reimburse each reporting entity, except for those entities seeking reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, at a rate of ten dollars for each unduplicated person reported pursuant to subdivision (a).

(3) The state may make payments to local entities pursuant to paragraph (1) or pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code only for a name previously reported by that entity if it is reported for a new period of incarceration.

(4) The director shall annually determine the program savings to the state that result from the reporting of names required by subdivision (a). The annual Budget Act may provide for reimbursement at a level below that provided in paragraph (2) if the savings are not sufficient to offset the cost of the reimbursements.

(c) The director shall distribute information received pursuant to subdivision (a) to departments of the state and federal government and to local agencies that administer public benefits for which incarceration affects eligibility, to ensure that public assistance payments and other public benefits are not paid to persons who are ineligible to receive those benefits based on incarceration, or whose absence from the household would result in a recalculation of the benefits of other members of the household. For the purpose of

reports to federal agencies under this section, the local jail shall be considered the reporting institution.

(d) The director may suspend the reporting requirement established in this section if the director determines that data available from other sources provide timely information on the identity of jail inmates that will ensure that public assistance payments and other public benefits are not paid to ineligible persons.

SEC. 2. The sum of two hundred thirty thousand dollars (\$230,000) is hereby appropriated from the General Fund to the State Department of Social Services for the purpose of implementing this act in the 1996–97 fiscal year. The State Department of Social Services may hire the equivalent of two personnel years and may contract for services necessary for the implementation of this act.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, except with respect to any agency obtaining reimbursement from the State Department of Social Services pursuant to subdivision (b) of Section 10985 of the Welfare and Institutions Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to prevent inappropriate public social services program payments, at the earliest possible time, it is necessary that this act go into immediate effect.

